

S/N 10/533,133

Reply to Office Action of June 22, 2009

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Remarks

Claims 1,2, 4-7 and 12-24 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,248,220 to White, herein after "White."

Applicant has amended claims 1-11, 14, 15 and dropped the rest of claims from 12 to 24. The Applicant asks that the Examiner reconsider the patentability of the outstanding claims in view of the following remarks.

No new matter has been added.

The applicant hereby presents an amended set of claims and answers as follows:

Claim 1 has been amended by clarifying the distinction of the present invention from the references cited by the examiner, including White.

The relevant part of amended claim 1 reads as follows (removed parts are crossed out for the sake of comprehensibility):

"Said common edge connects to a wearer's nose bridge and chin;

- securing means to secure said ~~first and second portions~~ face mask on the face of a wearer, the securing means being fixed along said common edge and ~~thereby forming an effective respiratory seal as the wearer inhales and releasing the respiratory seal as the wearer exhales, the securing means attaching to the face mask at a location substantially~~ at a location away from the periphery of the face mask to provide a holding force therefrom; and..."

The following references (figures, paragraphs, etc.) all relate to the publication US 2006/0201513 A1 of the application.

Paragraph [94] describes the fixing of the securing means along a weld line as depicted in Fig. 11. In the described example, the securing means is attached to the mask through a slot – such slots are also depicted in Figs. 8a-10 and 12a-14b. Paragraph [51] describes the term "weld line" as a common edge where two or more parts are connected.

The fixing of the securing means in the described way allows the mask to act as respiratory seal (see [22] and [69]-[73]): When the wearer of the mask inhales, the "air pressure within the air chamber [...] drops and the external atmospheric pressure pushes the surfaces and periphery (34) (45) of the face-mask inward (Fig. 18)..." ([72]). When the wearer exhales, the "surfaces and periphery (34) (45) of the face-mask are [...] pushed outward [...] to facilitate advantageously quick release of exhaled air" ([73]). This free movement of the periphery of the face mask when the wearer exhales is only possible because of the arrangement of the securing means, as is obvious to anyone skilled in the art.

The documents presented during the proceedings neither show nor suggest fixing the securing means along a common edge of the face mask – they merely teach the fixing of the securing means at or close to the edge of the face mask, rendering impossible for the face mask to act as respiratory seal as described above.

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The applicant is of the opinion that all unclarities have been cleared out and asks for the subject patent application to be allowed for grant.

Yours very sincerely,

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